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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,086	09/17/2003	Thomas Hermann Schroeder	THOMAS SCHROEDER	6089

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EXAMINER	
DONELS, JEFFREY	

ART UNIT	PAPER NUMBER
2837	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,086

Applicant(s)

SCHROEDER, THOMAS
HERMANN

Examiner

Jeffrey Donels

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 11 and 12 is/are allowed.
- 6) ☒ Claim(s) 10, 13-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20030917.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

The claims when filed were not numbered in the proper format; the examiner has renumbered the claims to comply with Rule 1.126 (e.g. Claim 1.1 has been renumbered Claim 2; Claim 3 has been renumbered Claim 11). Applicant is required to refer to the claims with this numbering format in all future communications and amendments.

Claim Rejections - 35 USC § 112

Claims 10,13-15,17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 10, it is not clear what structural language supports the functional phrase "simplifies construction of said unit, thus economizing production." Correction is required.

Regarding Claim 13, it is not clear what structural language supports the functional language "thus enabling more ... technique" and "the position of said bridge enables ergonomic bow arm operations." Correction is required.

Regarding Claim 14, the phrase “ergonomically approaching” is vague and indefinite. Correction is required.

Regarding Claim 15, the phrases “ergonomically approaching,” “bridge creates a more ergonomic fingerboard topology” and “bridge substantially aligns known points of contact” are vague and indefinite. Correction is required.

Regarding Claim 17, it is not clear what structural language supports the functional phrase “means is achieved magnetically.” Correction is required.

Regarding Claim 18, it is not clear what structural language supports the functional phrases “whereby pitch perception, being linear, is translated into an analogous linear finger movement, resulting in more intuitive tuning” and “whereby said linear finger movement provides an ergonomic alternative to traditional tuning movements.” Correction is required.

Regarding Claim 19, it is not clear what structural language supports the functional language “clarifies and simplifies the tuning process.” Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2837

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 13 is rejected (to the extent understood) under 35 USC 102(b) as being fully met by Vaccaro et al (USP 2814229).

Vaccaro discloses a stringed instrument (Fig. 1) which comprises a body, fingerboard, strings (not number) and the instrument being positioned on a person's anatomical median plane, the nut positioned close to a person's chest.

Claims 14,15 are rejected under 35 U.S.C. 102(b) as being fully met by Novak (USP 4852450).

See especially Fig. 4.

Claims 16,17 are rejected under 35 U.S.C. 102(b) as being fully met by Beckmeier (USP 6156961).

See especially Fig. 30.

The examiner cannot determine the metes and bounds of claims 18,19 for the reasons set forth above; Applicant is urged to consider the cited prior art upon the filing of a response.

Claims 1-9,11,12 are allowable over the prior art.


Claim 10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Wood (USP 5528971) and Smith (USP 5664758) are further cited to show related teachings in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Donels whose telephone number is 571-272-2061. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2800 ext 37. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeffrey Donels
Primary Examiner
Art Unit 2837